Maintaining 501(c)(3) Tax-Exempt Status Course

Print Version

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| Welcome to the Maintaining 501(c)(3) Tax- Exempt Status Course. | Leagle – Welcome to the Maintaining 501(c)(3) Tax-Exempt Status Course. |
| | This course is presented by the Exempt Organizations office of the IRS. |
| Introduction Before you begin, you may want to: Print out the course for note taking purposes (link to printable version) Learn to navigate the course (link to navigation mini course) Get ready for knowledge checks and other activities throughout the course Know that scores are for reference purposes only | Leagle: Hi. I'm Leagle and I'll guide you through the courses here at StayExempt. Before you start, there are a few things you should know. First, if you like to take written notes, you might want to print this course first. The print out may make it easier to follow along, especially if you haven't taken many online courses. Next, take a look at our navigation tutorial. It will provide you with helpful tips on how to navigate these courses. Also, this course includes questions and activities to test your knowledge. You'll need to click on the screen to answer the questions and |
| | participate in the activities. Finally, the scores given at the end of the course are for your reference only. They're designed to help you understand the material better. When you're ready learn about tax-exempt status, select the "Objectives" button. |
| Objectives Demonstrate how to appropriately operate a 501(c)(3) organization once tax-exempt status is achieved. Describe the responsibilities of a tax-exempt organization after achieving tax-exempt status. List the activities that could jeopardize the tax-exempt status of an organization. Learn about state charitable solicitation rules Describe good governance practices. | Leagle – In this course, we'll talk about running an organization properly, once 501(c)(3) taxexempt status is achieved. To do that, you'll need to know what responsibilities you have and what activities can jeopardize your organization's 501(c)(3) status. You'll also find it helpful to familiarize yourself with the charitable solicitation rules of your state - and learn a bit about "good governance" practices. First, let's start by meeting someone who just got their tax-exempt status. Select the <i>Meet Richard</i> button to continue. |
| | Introduction Before you begin, you may want to: Print out the course for note taking purposes (link to printable version) Learn to navigate the course (link to navigation mini course) Get ready for knowledge checks and other activities throughout the course Know that scores are for reference purposes only Objectives Demonstrate how to appropriately operate a 501(c)(3) organization once tax-exempt status is achieved. Describe the responsibilities of a tax-exempt organization after achieving tax-exempt status. List the activities that could jeopardize the tax-exempt status of an organization. Learn about state charitable solicitation |

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| 4 | Lifecycle Review Link: http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations/Life-Cycle-of-a-Public-Charity Page Text: Starting out: Create your organization Organizing documents Acquire an EIN Identify the appropriate federal tax classification Applying for Exemption Apply to the IRS for tax-exempt status Form 1023 Required Filings Annual exempt organization returns Unrelated business income tax filings Other returns and reports Ongoing Compliance Jeopardizing exemption Employment taxes Public disclosure requirements Other ongoing compliance issues. Significant Events Audits Private letter rulings Termination proceedings | Richard – Hi, I'm Richard! I just received my determination letter from the IRS. It says my animal rescue organization, <i>Cute and Curly Animal Rescue</i> , has been recognized under Section 501(c)(3) of the Internal Revenue Code as exempt from federal income tax. I've always loved taking care of animals, so managing this animal rescue correctly is really important to me. Starting my organization and applying for tax-exempt status were big steps - and I want to make sure I do everything I can to comply with the law. Leagle, can you offer any advice? Leagle – Sure I can, Richard. Maintaining your federal tax-exempt status isn't difficult, but it sure helps if you're aware of your organization's required interactions with the IRS. Here's the five-stage "life cycle of a public charity" tool the IRS uses to illustrate those interactions and when they occur. You've already completed the first two stages of the process: starting out and applying for exemption – as you may remember during our "Applying for 501(c)(3) Status Overview course. Here's a link if you'd like to review. Now, you have general responsibilities described in the three remaining stages: required filings, ongoing compliance and significant events. Click on each stage in the process to find out more about it. Although these topics were briefly covered in the Applying for Section 501(c)(3) Status Overview course, these three stages are most important to the daily operation of your organization. We'll |
| | | cover them in more detail now. Let's start out with Required Filings. Select the Required Filings button to continue. |

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| 4 | Required Filings – Recordkeeping Page Text: | Richard –Thanks for helping me keep up with the requirements of a tax-exempt organization! So, what should I focus on first? |
| | Financial records documenting entries in your organization's books | Leagle –Well Richard, it's a good idea to take a look at the IRS's Life Cycle tool. Here's a link. |
| | Permanent Records Organizing Document Copy of the exempt application form (Form 1023) and Determination letter from the IRS Annual filings - Returns and Attachments(Include list below in a popup) Form 990 Form 990-EZ | A very important stage of the Life Cycle is "Required Filings," which helps you understand just what to file with the IRS. But, before you learn what forms to use and when to file them, let's talk about something that will help you prepare – and that's Recordkeeping! If you don't keep accurate and detailed records of your organization's activities, you won't have the information you need to complete the filing requirements. |
| | Form 990-NForm 990-T | Richard – But I'm still not sure what records I really need to keep. |
| | Descriptions of your organization's programs; Minutes of meetings of the governing | Leagle: I think my friend Vernon can help you with that. He's the treasurer of the Highland Middle School Parent Teacher Organization. |
| | board and any standing committees (include as popup) o executive committees o compensation committees | Vernon – Hi Richard! I've managed a lot of records for our organization, which is classified as a public charity, just like yours. Your organization's going to have all kinds of financial records. You need to keep any accounting information you have, whether you do it using paper files, like I do, or fancy computer software. |
| | | Leagle – That's right. You should also maintain a set of Permanent Records, which includes your organizing document (which is sometimes called your Articles of Incorporation or your Charter), a copy of your Form 1023 (the exemption application you submitted), and the determination letter from the IRS you just mentioned. |
| | | Vernon – Have you filed any returns with the IRS yet? |
| | | Richard – No, not yet. |
| Page 3 of | 22 | Vernon – Be sure to keep copies of any returns and attachments you send to the IRS. And keep the records you used to prepare the returns handy, too! This includes your financial records and other things, like information about your organization's programs, meeting minutes for the governing board, and minutes for any standing committees - like an executive or compensation committee. The IRS suggests keeping copies of returns and any supporting information for at least three years after you file. |
| rage 3 01 | | Leagle: Next, let's talk more about the financial records you need to keep. Select the Financial Records button to move on. |

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| 5 | Required Filings – Financial Records | Richard – So what kind of financial records do I need to keep? |
| | Page Text: Money coming in Money Going out Employment tax records Asset records | Vernon – There are four basic types of financial records you should keep. They can be categorized as Money coming in, money going out, employment tax records and asset records. Leagle: Let's discuss each type of record. Select the Money Coming In button to learn more. |
| 6 | Financial Records - Money Coming In Page Text: Examples: Cash register tapes Bank deposit slips Receipt books Invoices Credit card slips Form 1099-MISC, Miscellaneous Income - http://www.irs.gov/pub/irs-pdf/f1099msc.pdf Keep these records for 3 years after the return is due or filed, whichever is later. | Leagle: First, I recommend that you keep records of all the money that comes into your organization. This includes cash register receipts, bank deposit slips, receipt books, invoices, credit card slips and any Form 1099-MISC documents you send to the IRS. Save these records for three years after the date the return is due or filed, whichever is later, because during that time, you can amend a return to claim a credit or refund. Generally, this is also the period when the IRS can assess penalties or additional tax. In either case, you'll need those records. And remember that some interested parties, such as a grantor, insurance company, creditor, or state agency, may require you to keep certain records for a longer time. You should check with them for their requirements. Next, let's talk about money going out. Select the Money Going Out button to learn more. |

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| 7 | Financial Records – Money Going Out | Leagle: You should save any documents that |
| | Page Text: | show expenses you incurred while running your organization and its programs, including account |
| | Examples | statements, canceled checks, cash register |
| | Account statements | receipts, credit card sales slips, invoices and petty cash slips. |
| | Canceled checks | If your organization produces and sells items, |
| | Cash register tapes | save documents on the materials you purchased to produce those items. These records will also |
| | Credit card sales slips | help you determine the value of your inventory |
| | • Invoices | at the end of the year. |
| | Petty cash slips for small payments | As I mentioned earlier, you should save these documents for three years after the date the |
| | Include documents for items purchased The produce items pald by years. | return is due or filed, whichever is later. |
| | to produce items sold by your organization | For more information, see Publication 538, Accounting Periods and Methods. |
| | Save these for 3 years after the date the return is due or filed, whichever is later. | Next, let's talk about Employment Tax Records. Select the Employment Tax Records button to |
| | Publication 538, Accounting Periods and Methods - http://www.irs.gov/pub/irs-pdf/p538.pdf | continue. |
| 8 | Financial Records - Employment Tax | Leagle: You should save all employment tax |
| | Records | records, including any documents that show |
| | Page Text: | salaries, wages, benefits paid and taxes withheld. You may think employment tax |
| | Keep any documents showing: | records sound like "money going out," but these documents are really a separate category. |
| | Salaries | Employment records should be kept for at least |
| | • Wages | 4 years. |
| | Benefits paid | There are other employment-related items that deserve special attention. For those, take a look |
| | Taxes withheld | at Publication 15 (Circular E), Employer's Tax |
| | You should save these records for at least 4 years. | Guide, for more information. |
| | Publication 15 (Circular E), Employer's Tax Guide - http://www.irs.gov/pub/irs-pdf/p15.pdf | Finally, let's talk about the Asset Records. Select the Asset Records button to learn more. |

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| 9 | Financial Records - Asset Records Page Text: Asset Records: documents showing assets that your organization owns and uses in its activities, such as investments, buildings and furniture. Asset records should show: • When and how the asset was acquired • Whether any debt was used to acquire it • Purchase price • Selling price and expense of sale • Cost of any improvements • Deductions taken for depreciation or for casualty losses, such as fires or storms • How the asset is or was used • When and how the asset was disposed of | Leagle - Asset records are documents showing the items your organization owns and uses in its activities, such as investments, buildings and furniture. Select this "Asset Records" link to find out more about what kinds of asset records you need to keep. Some example documents include purchase and sales invoices, real estate closing statements, cancelled checks or certain financial account statements as well as financing documents. Finally, you should keep these documents for as long as you own the asset, plus three years after you dispose of the item. Now that you understand the types of financial records you need to keep, let's try an activity. Select the Knowledge Check button to try it out. |
| | Example documents: Purchase and sales invoices Real estate closing statements Cancelled checks or certain financial account statements Financing documents | |
| | Keep documents for as long as you own the asset, plus three years after you dispose of the item. | |

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| 10 | Recordkeeping Skills Challenge There are four record categories that the IRS suggests you retain: Money coming in, Money going out, Employment tax records, and Asset records. Put the four items below in that order. | Leagle – Let's try an exercise. Richard is still unsure of what documents fall into each category. Help him place the documents in the appropriate categories by dragging them to the correct answer – or by selecting the appropriate letter in each dropdown menu. |
| | Bank deposit slip (money coming In) Cancelled check for office supplies (money going out) Salary document (Employment tax records) Credit card receipt for a desk (Asset records) | Incorrect Feedback: Sorry, that's not correct. Here is the correct order for the documents: Bank deposit slip – money coming in Cancelled checks for office supplies – money going out. Salary document – employment tax records Credit card receipt for a desk – asset records Correct feedback. Great job! Here are the correct matches. (see above) |
| 11 | Required Filings – Record Keeping System | Richard – So, what record-keeping system should I use? |
| | Page Text: Choose any record keeping system that works for you & your organization Organizations with multiple programs need to track income and expenses for each program separately. Records should include a summary of transactions. | Leagle – Generally, the IRS doesn't require a specific recordkeeping system, so you can choose one that makes sense for your organization. But remember: If your organization has more than one program, your recordkeeping system should allow you to track the income and expenses for each program separately. Also, your records should include a summary of transactions. This summary can be listed in your books (including journals and ledgers). Or, many |
| | | small organizations use checkbooks as the main source for entries into the books, and that is fine, too. Next, we'll learn about the accounting periods and methods your organization should use in its reporting. Select the <i>Accounting Periods and Methods</i> button to continue. |

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| 12 | Required Filings – Accounting Periods and Methods Page Text: | Leagle –So Richard, it's important for you to know if your organization will report to the IRS using a calendar year or a fiscal year? And, does your organization use a cash or accrual accounting method - or some sort of |
| | Does my organization use a calendar or fiscal accounting period? | combination of the two? Select the links on the page to see the definitions of these items. |
| | (Link to Definitions in Glossary: Calendar accounting and Fiscal accounting) | Vernon – Every organization must use a consistent accounting method, which is a set of rules for determining when to report income and |
| | Every organization should use a consistent accounting method | expenses. Under the cash method, generally, you report income in the tax year you received it; and you deduct expenses in the tax year you |
| | o Cash method | paid them. |
| | Accrual accounting method | Generally, under an accrual method, you report |
| | Hybrid method | income in the tax year you earn it, regardless of when payment is received. You deduct |
| | (Link to Definitions in Glossary: Cash Accounting, Accrual Accounting, Hybrid.) | expenses in the tax year you incur them, regardless of when payment is made. |
| | Link: Publication 538, Accounting Periods and Methods http://www.irs.gov/pub/irs-pdf/p538.pdf | My organization, for example, uses the cash method and the calendar year as its reporting (or "tax") year. |
| | Link: Publication 583, Starting a Business and Keeping Records, http://www.irs.gov/pub/irs-pdf/p583.pdf | Leagle – An organization typically makes these decisions when it begins operating and before it files its first annual tax return. When you applied for exemption, you used your application to tell the IRS what tax year and accounting method you planned to use. Make sure you know what your organization told the IRS, so you report the right items at the right time - using the right method. |
| | | Now that we know about the records you should keep and a little bit about how you'll report - and for what period - let's talk about what you have to send to the IRS. Select the <i>Form 990 Options</i> button to move ahead. |

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| 13 | Required Filings – Form 990 Options | Richard – Ok, so what am I required to file with the IRS? |
| | Page Text: No annual filing requirement for Churches and certain church-affiliated organizations don't have an annual filing requirement May have other filing requirements such as employment tax returns (Fade off when going onto consequences. Serious consequences for non-compliance Three consecutive years without filing | Vernon – Well, there are details on annual filing requirements on the Required Filings page of the Lifecycle at IRS.gov. You'll probably need to file one of the Form 990-series returns – which is the annual information return required for most tax-exempt organizations. Which one you'll file will depend on the type of your organization, the amount of your annual gross receipts and the total of your organization's assets at the end of the tax year. www.irs.gov/990filing shows the dollar thresholds for different forms. You'll also see them in the Form 990 course here on StayExempt. |
| | and tax-exempt status is automatically revoked. | Richard – Do all tax-exempt organizations have to file a Form 990-series return? |
| | To reinstate, you have to re-apply To have it retroactive, you must present a reasonable cause for not filing. | Leagle – Churches and certain church-affiliated organizations don't have an annual filing requirement, but they may have other filing requirements, such as employment tax records. |
| | Page Links LifeCycle - http://www.irs.gov/Charities-&-Non-Profits/Life-Cycle-of-an-Exempt-Organization www.irs.gov/990filing for Form 990 series thresholds Link: Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities http://www.irs.gov/pub/irs-pdf/p4221pc.pdf Link to course Form 990 | It's important to note that there are serious consequences for not filing a required annual information return. If your organization doesn't file for three years in a row, its tax-exempt status will be automatically revoked on the due date of the third return. If your tax-exempt status is revoked for not filing - and you want to get your status back - you'll have to redo the application process, including filing Form 1023 and paying the appropriate user fees. Once revoked, If you want your reinstatement to be retroactive (which means "dated back to the day it was revoked"), you'll have to show you had reasonable cause for not filing. So, my best advice is to file annually. |
| | | Remember that in addition to submitting an annual return, you may need to submit filings for your unrelated business income, or UBI. Select the <i>UBI Basics</i> button to move forward. |

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| | Required Filings – UBI Basics | Richard – Ok, so what's UBI? |
| | Page Links Link: Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities http://www.irs.gov/pub/irs-pdf/p4221pc.pdf Link to UBI course Page Text: Unrelated Business Income — Any income you generate from business activities that occur on a regular basis and are not substantially related to the exempt purpose of your organization Examples of UBI (link to a pop up with information below) Commercial advertising in publications Selling goods or services to the public Link to publication with list of other potentially UBI activities. UBI can be taxable income for tax-exempt organizations Too much UBI can jeopardize tax exemption. Other activities may require separate filings. | Vernon – Generally, Unrelated Business Income is any income from trade or business activity that your organization conducts on a regular basis - that's not substantially related to your organization's exempt purpose. There are lots of activities that can generate UBI, such as commercial advertising in publications created by your organization - or selling goods or services to the public. Income from unrelated activities like these might be taxable. Calculating and reporting UBI is a requirement for maintaining your tax-exempt status. Keep in mind that too much unrelated business can jeopardize your tax exemption. Richard – Hey, that sounds pretty easy. Leagle – Not entirely. He's just given you a VERY simple explanation, but don't worry. There's a whole course dedicated to UBI here on StayExempt. The course teaches you which activities generate UBI. Once you understand UBI, filing the form to report the income and pay any tax due is relatively straightforward. Richard – Alright, I'll remember to look into that. Is there anything else? Leagle – You might need to file other returns depending on your organization's activities. You can find out about those on the IRS website as well, but Form 990 is the biggest and most |
| | | important. The next stage in the lifecycle is ongoing compliance. Select the <i>Ongoing Compliance</i> button to continue. |

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| 15 | Ongoing Compliance Page Links: | Richard – Alright, I understand that most organizations have an annual filing requirement. What's next? |
| | Employment Issues course. Page Text: Avoid activities outside of Exempt Purpose Jeopardizing Exemption Political Activity Lobbying Private Benefit/Inurement Employment Taxes | Vernon – Do you know the particulars about what your organization must do – or must not do – to safeguard its exempt status? Richard – I think so. I can't do too many activities that don't directly promote my organization's exempt purpose, which is to |
| | | prevent animal cruelty. Leagle – Well that's certainly true. But there are other do's and don'ts associated with taxexempt status, which is what this next stage covers. For example, many activities can jeopardize your tax-exempt status, such as political activity, lobbying, or permitting private benefit or inurement. We'll be covering those later in this course. |
| | | Vernon - Another challenge facing exempt organizations is accurately classifying and reporting on any paid workers they have. If your organization compensates anyone for services – either employees or independent contractors – there are rules you need to follow. The <i>Employment Issues</i> course here at StayExempt will help you sort all of that out. |
| | | Leagle - There are two more ongoing compliance issues you need to be aware of, and we'll go over those next. Select the <i>Public Inspection</i> button to continue. |

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| 16 | Ongoing Compliance – Public Inspection | Richard – So what do I have to share with the public? |
| | Page Links: Link: http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations/Life-Cycle-of-a-Public-CharityOngoing-Compliance Links to Required Disclosures courses. Page Text: • Exemption application (Form 1023) • Determination Letter • Three most recent annual returns • Three most recently filed Form 990-T • Forms, any attachments and correspondence • Schedule B is does not need to be disclosed | Leagle – Tax-exempt organizations must make their exemption application, determination letter and the three most recently-filed annual information returns available to the public, upon request and without charge (except for a reasonable charge for copying). If your organization is a 501(c)(3) and files Form 990-T, Exempt Organization Business Income Tax Return, your three most recent 990-Ts must be made available as well. Richard – What about other records I'm keeping? Leagle – You only have to disclose the forms themselves, any attachments or separate items you sent in with the forms, and any correspondence you may have had with the IRS about the forms. There is an exception, though. If you had to file Schedule B of Form 990, that schedule is NOT required to be open for public inspection. |
| | | For your Form 1023, for example, you would also make your organizing document available for public inspection because you sent that document to the IRS when you submitted Form 1023. Same for the determination letter you received back from the IRS at the end of the application process – that has to be made available. On the other hand, the internal books and records you use to prepare your Form 990 aren't subject to the inspection requirements, because you didn't send them in as part of your Form 990 filing – you just used them to prepare it. |
| | | Richard – Where should I keep the items subject to public inspection? |
| | | Leagle – You have to make the documents available at the organization's principal office during regular business hours - as requests can be made in person or in writing. There are more specifics about how and when to meet the public inspection requirements in the Required Disclosures course here at StayExempt. |
| | | Finally, there is one last stage: Significant Events. Select the Significant Events button for more information. |

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| 17 | Significant Events: Page Links: | Richard – So, the last stage is significant events. What kinds of significant events are there? |
| | Link: http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations/Life-Cycle-of-a-Public-CharitySignificant-Events Page Text: | Leagle – The significant events all have to do with your tax-exempt status. The events include, but aren't limited to: audits, private letter rulings, and termination proceedings. More information on this stage can be found using this link. |
| | AuditsPrivate letter rulingsTermination proceedings | Before we test your knowledge, let's go over what we've covered so far. Select the Recap button to continue. |
| 18 | Recap Page Text: Tax-Exempt Status Lifecycle Required Filings Record keeping Annual exempt returns UBI Ongoing Compliance Jeopardizing exemption Employment taxes Public disclosure requirements Significant Events | Leagle –We talked about the tax-exempt status lifecycle as it applies to organizations maintaining their tax-exempt status. This includes issues such as record keeping, annual returns and unrelated business income. We also mentioned jeopardizing tax-exempt status (which we'll cover later in this course), employment tax issues, public inspection requirements and we talked other significant events for tax-exempt organizations. Now that you've learned about the stages of the lifecycle, let's try an exercise. Select the <i>Activity</i> button to continue. |
| 19 | Knowledge Check Page Text: Which of the following includes required responsibilities of Section 501(c)(3) organizations? Select the best answer and then use the submit button to check your answer. A) Annual Filings, Public Inspection B) Letter Writing, Annual Gala Events C) House Cleaning, Power-washing D) Political Organizing, Lobbying | Leagle – Let's test your knowledge. Which of the following are responsibilities that will keep Richard's organization from losing its tax-exempt status? Select the best answer. When you're done, select the "submit" button to check your answer. Correct Feedback: Great job! Annual Filings and Public Inspection are responsibilities of 501(c)(3) public charities. Remember – good recordkeeping is key to good reporting! Incorrect feedback: Sorry, that's not right. Recordkeeping, Annual Filings and Public Inspection are responsibilities of 501(c)(3) public charities. |

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| 20 | Knowledge Check Page Text: What will happen to Richard's organization is he fails to file Form 990, Form 990-EZ or Form 990-N for three years in a row? Select the best answer, then use the submit button to check your answer. | Leagle –What will happen to Richard's organization is he fails to file Form 990, Form 990-EZ or Form 990-N for three years in a row? Select the best answer. When you're done, select the "submit" button to check your answer. Correct Feedback: That's right! Failure to meet the annual filing requirements for a 501(c)(3) public charity can lead to your tax-exempt status being revoked, as well as a loss of eligibility to |
| | a) Tax-exempt status revoked for three years b) Tax-exempt status revoked and loss of eligibility to receive tax-deductible donations c) Tax-exempt status revoked and a lifetime ban from 501(c)(3) status d) Tax-exempt status revoked, and bread and water for 3 years | receive tax-deductible donations. Incorrect Feedback: Sorry, that's not correct. Failure to meet the annual filing requirements for a 501(c)(3) public charity can lead to your tax-exempt status being revoked, as well as a loss of eligibility to receive tax-deductible donations. |
| 21 | Progress Check Page Text: You have learned how to: Describe the responsibilities of a taxexempt organization after achieving taxexempt status. | Leagle – Congratulations! You've completed the responsibilities and lifecycle section of this course. Next, you'll learn more about activities that can jeopardize the tax-exempt status of your organization. Select the continue button to move forward. |
| 22 2 | Jeopardizing Your Tax Exempt Status Page Text: Lobbying Political campaign intervention Unrelated business income Private benefit/Inurement | Richard – So, I know about the things I'm supposed to do to keep my tax-exempt status. What about the things I'm not supposed to do? Vernon – Well, Richard, there are four major categories of activities that can jeopardize your tax-exempt status. Lobbying, political campaign intervention, activities generating excessive unrelated business income, and private benefit/inurement. Leagle - Some of these activities are absolutely prohibited, while others are restricted. Let's take a quick look at the first three - and an in-depth look at the fourth. Select the Prohibited Political Activities button to continue. |

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| 23 | Prohibited Political Activities | Richard – Isn't lobbying a form of political campaign intervention? |
| | Page Link: | Leagle – Actually, lobbying and political |
| | Link to Political Campaigns Course Page Text: | campaign intervention are two different things; Lobbying is any activity designed to influence |
| | Lobbying: | legislation, while political campaign intervention |
| | Any activity designed to influence legislation | is participating in a political campaign on behalf of, or in opposition to, a candidate for public office. Though they are both related to politics, the activities are different - as are the rules for |
| | Political Campaign Intervention | exempt organizations participating in them. |
| | Participating in any political campaign on behalf of or in opposition to any candidate for public office | 501(c)(3) organizations can conduct a little lobbying without jeopardizing exemption; it just can't be a principal activity of the organization. The "Three L's" help me remember the rule |
| | Three L's – Lobbying is about Legislation – and a 501(c)(3) can do a | here: Lobbying is about Legislation - and a 501(c)(3) can do a Limited amount of it. |
| | Limited amount of it. Three P's – Political Activity is about People running for office and 501(c)(3)s are PROHIBITED from getting involved, either for or against a candidate. | The rule for 501(c)(3)s and political activity is very different: A 501(c)(3) can't conduct any political activity. I use the "Three P's" to keep this rule straight: P olitical activity is about P eople running for office and 501(c)(3)s are P rohibited from getting involved, either for or against . Doing so jeopardizes their exemption. |
| | | You'll find lots more about prohibited political intervention in a course called "Political Campaigns and Charities: The Ban On Political Campaign Intervention." Here's the link to the course as StayExempt. (include link) |
| | | Let's talk a little bit more about unrelated business income next. Select the Unrelated Business Income button to move forward. |

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| 24 | Unrelated Business Income | Richard – What else can you tell me about UBI? |
| | Page Link: UBI course. Page Text: Business activity that generates income Conducted on a regular basis Not substantially related to exempt purpose Important facts: UBI can be subject to taxes Too many UBI-generating activities can jeopardize your status | Vernon – Like I said before, Unrelated Business Income is any income you generate from business activities that occur on a regular basis and are not substantially related to the exempt purpose of your organization. The tests and criteria for determining if a fundraising activity generates UBI are covered in the UBI course here at StayExempt. Leagle – And let me add two things about UBI: First, funds generated through unrelated business activities can be subject to taxes. But, what's more important is that if too many of your activities are not related to your exempt purpose, you're jeopardizing your exempt status. Remember, your organization received taxexempt status because you told the IRS it would pursue an exempt purpose. If it's not doing that, the reason for tax-exempt status isn't there |
| | | either. Next, let's talk about Private Benefits and Inurement. Select the <i>Continue</i> button to move forward. |
| 25 | Private Benefit and Inurement | Richard – So, what are private benefit and inurement? |
| | Page Text: Activities that substantially benefit the private interest of an individual or organization. Public charities must serve public interest. Employee salaries and services provided to the public are not private benefit. Income and assets cannot be used so that an individual receives substantial private benefit beyond reasonable compensation for work. | Leagle – Private benefit and inurement are two separate, but closely related concepts. Let's look at private benefit first. Vernon - Private Benefit is any activity that substantially benefits the private interest of an individual or organization, right? Leagle – Exactly, Vernon. A 501(c)(3)s must avoid all activities that provide primarily private benefit. The 501(c)(3)'s activities must serve a public interest. Richard: What if I have employees? Isn't the salary some kind of private interest? Leagle – No, this doesn't mean a 501(c)(3) can't pay reasonable salaries to its employees, or provide services to its constituents. Rather, it means the organization can't be operated - or its income or assets used in such a way - that someone receives a substantial private benefit well beyond what would be considered reasonable compensation for work. Let's talk about inurement next. Select the Inurement button to continue. |

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| 26 | Inurement | Richard – So, what's inurement? |
| | Page Text: Inurement: Allow income or assets to accrue for the benefit of insiders. Examples Paying dividends Unreasonable compensation Transferring property for less than fair market value Insider: A person who has a personal and private interest in the activities of the organization. Examples: Officers Officers Key employees | Vernon – The concept of inurement takes the notion of private benefit a bit further. You can't conduct activities that will provide anyone with a substantial private benefit. When it comes to "insiders" of the organization, absolutely none of the income or assets can accrue to their benefit. Leagle – In case you haven't heard that term before, Richard, an "insider" is a person who has a personal and private interest in the activities of the organization. Richard – I'm still not sure who would qualify as an insider. Leagle –Examples of typical insiders are officers, directors and key employees—like you. Richard – Can you give me some examples of inurement? Leagle – Sure. Some examples include paying dividends or unreasonable compensation to insiders, as well as transferring property to insiders for less than fair market value. Select the Continue button to learn about the |
| 27 | Inurement is Forbidden | repercussions of providing inurement. |
| 21 | | Richard – Are there any cases where inurement is allowed? |
| | Page Text: Inurement is absolutely prohibited: Grounds for loss of tax-exempt status Insider may incur excise tax Private benefit (non-insider) must be substantial to jeopardize status Not considered Inurement and Private Benefit: Reasonable payment for services Payments to further tax-exempt purpose Payments for fair market value of real property. | Leagle – No. Any amount of inurement is grounds for loss of tax-exempt status - and the insider involved may be subject to excise tax. But, if the activities of an organization privately benefit someone who is not an insider, that benefit must be substantial in order to jeopardize the organization's tax-exempt status. But as I said earlier, prohibited inurement or private benefit doesn't include reasonable payments for services, other payments that further tax-exempt purposes, or payments for the fair market value of real or personal property. Select the Charitable Solicitation button to move forward. |

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| 28 | Charitable Solicitation Page Link: | Richard – I'm eager to start collecting funds, but I'm worried I may be breaking some rules in that area. |
| | Governance Section in Form 990 Course | What should I know first? |
| | Page Text: Each state has laws regulating fundraising and soliciting donations requiring Registration before soliciting for contributions Adherence to special rules for when fundraising activities involve paid solicitors and fundraising counsel Specific procedures for filing financial documents Check with each state where you may be | Leagle – First of all, each state has laws regulating fundraising - as well as how you go about soliciting donations. These include: requiring that you register your organization, special rules when fundraising activities involve paid solicitors and fundraisers counsel, and specific procedures for filing financial reports. Each state is different, so be sure to check with each state you'll be fundraising in to confirm their requirements. When you're ready, we should talk about governance next. Select the Governance button to learn more. |
| 29 | soliciting funds for its requirements Tips for Governance Page Text: | Richard – So, what are your governance tips for my |
| | General tips for operating consistently with tax law requirements: Clearly articulate organization's purpose Select a knowledgeable and committed government body and management team Adopt sound management practices | organization? Leagle – Well, we've found that an organization is more likely to operate effectively and consistently with tax law requirements if it can clearly articulate its purpose, selects a knowledgeable and committed governing body and management team, and adopts sound management practices. The IRS requests information about an organization's governance on the application for tax exemption - and again annually on the information return most organizations must file. Before we do an exercise, let's go over what we've covered in this section. Select the <i>Recap</i> button to continue. |

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| 30 # | Page Content Recap Page Text: Jeopardizing Tax Exempt status. Political Campaign Activity Lobbying UBI Private Benefit/Inurement Charitable Solicitation Rules Tips for Good Governance | Leagle – In this section, we discussed how to avoid jeopardizing your tax-exempt status. First, we talked about political campaign intervention and lobbying. There's a separate course on political campaign intervention, but you should have a basic understanding of what those things are. Then we talked about Unrelated Business Income and how that might jeopardize your tax-exempt status. We covered private benefit and inurement. Your organization shouldn't engage in activities that substantially benefit the private interest of any individual or organization, nor allow any income or assets to accrue for the benefit of insiders. And, we just discussed how to find out more about charitable solicitation rules for your state and implementing good governance practices. Next, let's try an exercise to see if you are ready to move on. Select the <i>Activity</i> button to continue. |

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| 31 | Page Text: Read the scenario, then choose the best answer. Select the submit button to check your answer. Richard is the President of Cute and Curly Animal Rescue. His by-laws require that he has a seven member Board of Directors - and he's a voting member. Richard is also owns 49% of the for-profit Precious Pets pet store. His sister, Deborah, owns 51% of the business and runs the pet store. Cute and Curly Animal Rescue contracted with Precious Pets for \$200,000 worth of animal food and supplies. Richard signed the contract without consulting his Board of Directors for action. Richard's sister knows there won't be a competitive bid for the contract, so she decided to bill for 120% of the fair market value for the products. She called the contract the "Precious Pets Deluxe" package, but in reality, they are the same products she provides to her other customers. True or False: Does this scenario show private benefit or inurement? (True) | Script: Leagle - Let's test your knowledge. Read Richard's scenario, then choose the best answer. Select the submit button to check your answer. Correct Feedback: Good Job! That's right! Incorrect Feedback: Sorry, that's not correct. This is an example of inurement. 1. Richard is an insider because he has a personal financial interest in Cute and Curly Rescue taking the contract with Precious Pets as a part owner. 2. Richard used his position with Cute and Curly Animal Rescue to steer the contract towards Precious Pets. 3. The fact that Richard, as president of Cute and Curley, signs a contract to do business with Precious Pets without competitive bidding, or a search for alternative providers, is probably enough to show inurement. 4. Deborah's decision to overcharge for the supplies creates a situation where there's clearly impermissible inurement to Richard. If this kind of a scenario was discovered in an audit, the examining agent would likely propose "intermediate sanctions" on the insider, such as repaying the excessive amount. Depending upon the facts and circumstances, the agent might propose additional sanctions on the organization and/or revocation of its exemption. |

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| 32 | Page Title: Knowledge Check Page Text: Paying dividends or unreasonable compensation to insiders and transferring property to insiders for less than fair market value are considered which 501(c)(3) prohibited activity? | Leagle – Here's another test. Paying dividends or unreasonable compensation to insiders and transferring property to insiders for less than fair market value are considered which 501(c)(3) prohibited activity? Select the best answer. When you're done, select the "submit" button to check your answer. |
| | a) Annulment b) Annihilation c) Appropriate d) Inurement | Correct Feedback: That's right! Paying dividends or unreasonable compensation to insiders and transferring property to insiders for less than fair market value are considered inurement. |
| | | Incorrect Feedback: Sorry, that's not right. Paying dividends or unreasonable compensation to insiders and transferring property to insiders for less than fair market value are considered inurement. |
| 33 | Knowledge Check Page Text: | Script: Leagle – Let's try one more. Which activity is a public charity allowed to do that won't jeopardize its tax-exempt status? |
| | Which activity is a public charity allowed to do that won't jeopardize its tax-exempt status? | Select the best answer. When you're done, select the "submit" button to check your answer. |
| | a) Contribute to a political candidate b) Pay its executives excessive amounts of | Correct Feedback: That's right! Other than painting the office, each activity on the list will jeopardize an organization's tax-exempt status. |
| | compensation c) Make public statements in favor of a particular candidate d) Paint its office walls orange with green polka dots | Incorrect Feedback: Sorry, that's not quite right. Other than painting the office, each activity on the list will jeopardize an organization's taxexempt status. |
| 34 | Progress Check Page Text: You have learned how to: | Leagle – Nice job! You've learned about jeopardizing the tax-exempt status of an organization. Select the continue button to move forward. |
| | Describe the responsibilities of a tax-exempt organization after achieving tax-exempt status. | |
| | List the activities that could jeopardize the tax-exempt status of an organization | |

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| 35 | Resources Page Text: Resources: | Leagle – As we near the end of this course, I know I've shared a lot of exempt organization resources with you. I've put them together here, so feel free to go review them. |
| | IRS Lifecycle page - http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations/Life-Cycle-of-a-Public-Charity | |
| | Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities http://www.irs.gov/pub/irs-pdf/p4221pc.pdf | |
| | Publication 557, Tax-Exempt Status for Your Organization http://www.irs.gov/file_source/pub/irs-pdf/p557.pdf | |
| 37 | Conclusion Page Layout: Leagle with IRS logo. | Leagle – On behalf of everyone in the IRS Exempt Organizations division, thank you for taking the Maintaining 501(c)(3) Tax-Exempt Status course |
| | Page Text: Thank you for taking the Maintaining 501(c)(3) Tax-Exempt Status course. Before you leave, please take a couple of minutes to complete this course's evaluation. It doesn't ask for any personal information. The information you provide will ensure that this and other courses at StayExempt provide a valuable learning experience for future participants. Also, if you have other feedback for the Exempt Organizations team, feel free to use this button to send us an email. After you complete the survey, print out your own Certificate of Completion as recognition for attending this course. | Status course. Before you leave, please take a couple of minutes to complete this course's evaluation. It doesn't ask for any personal information. The information you provide will ensure that this and other courses at StayExempt provide a valuable learning experience for future participants. Also, if you have other feedback for the Exempt Organizations team, feel free to use this button to send us an email. After you complete the survey, print out your own Certificate of Completion as recognition for attending this course. |